

REMARKS

The claims are 15 to 24.

The above amendment makes a self-explanatory amendment to claim 21 and adds new claims 22 to 24. Support for new claims 22 and 23 can be found in Examples 14 and 17, respectively, and support for new claim 24 is self-evident.

The amendment of claim 21 is responsive to the rejection under 35 U.S.C. 112.

Claims 15 to 19 have been rejected under 35 U.S.C. 102(b) as being anticipated by Kim et al. (U.S. 6,627,238), as evidenced by Shimazaki et al. (U.S. 4,013,800).

This rejection is respectfully traversed.

Kim et al. (U.S. 6,627,238) discloses a browning composition for foods, more particularly, a coating composition for food to provide cooked product having a desirable browned crust (See FIELD OF THE INVENTION). Kim et al. describes that "the composition is coated onto the surface of the dough crust in an amount of about 0.008 to 0.02 gm/sq. cm." (See column 2, lines 55 to 58). According to Examples 4 to 6, 2g of the composition (emulsion) comprising 30% of Melanoidine was brushed onto frozen 300g chicken pies (column 3, lines 40 to 55). It is clear that the foods disclosed in Kim et al. do not comprise 0.5% by mass or more of a browning product as presently claimed. In fact, the foods disclosed in Kim et al. never comprise 23% by mass or more of a browning product.

The Maillard reaction mixture described in Shimazaki et al. (U.S. 4,013,800) is prepared by heating sugar and specific amino acids (column 1, lines 39 to 43 and Examples), and therefore is very different from the browning product of the present invention which is prepared from sugar and protein.

The rejection states that the yield of a Maillard reaction product is about 16.7%. However, 16.7% is not a content of a Maillard reaction product in a food but a yield in a Maillard reaction. Shimazaki et al. only describes soy sauce containing 1% by weight of the obtained Maillard reaction product (See Example 2, second paragraph).

Accordingly, the rejection on Kim et al. and Shimazaki et al. is untenable.

Claims 15 to 21 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. (U.S. 6,329,002) in view of Kim et al. (U.S. 6,627,238), and further in view of Kodama et al. (U.S. 2001/0044120).

This rejection is also respectfully traversed.

It appears that the rejection confuses obviousness with inherency. These are two completely different concepts. See *In re Rinehart*, 189 U.S.P.T.O. 143 at 148[9] (CCPA 1976). However, inherency and obviousness are different issues and the mere fact that the references might inherently achieve some amount of inhibition would not make it obvious to do so, particularly with respect to enabling the employment of high concentration of browning product presently claimed.

Thus, there is no reason to combine the cited references when they do not teach that it is the product of a browning reaction which inhibits *Helicobacter pylori* infection. It is only applicants' own discovery of this fact that would motivate one of ordinary skill in the art to realize that this is the case.

Nor do the references teach or enable the use of an effective (high) concentration of browning product to achieve the desired results.


For the foregoing reasons, the rejections on prior art are untenable and should be withdrawn.

No further issues remaining, allowance of this application is respectfully requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact undersigned at the telephone number below.

Respectfully submitted,

Shigeru HIRAMOTO et al.

By: 
Matthew M. Jacob
Registration No. 25,154
Attorney for Applicants

MJ/aas
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
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